UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/74/L/SWE
8 November 2001

ENGLISH
Original: FRENCH

Human Rights Committee
Seventy-third session
Geneva, 15 October-2 November 2001

List of issues to be taken up in connection with the consideration of the fifth periodic report of Sweden (CCPR/C/SWE/2000/5), adopted by the Human Rights Committee on 12 October 2001

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. The report states in paragraph 20 that, before the State party ratified the International Covenant on Civil and Political Rights, a study was made to ensure that Swedish law complied "to a very large extent" with the Covenant. Please give details of this study and indicate to what extent Swedish law is still not in conformity with the Covenant.

2. How does the State party view suggestions that the Covenant should be part of Swedish domestic law because the protection it affords in some areas goes beyond that provided for by the European Convention on Human Rights (which is incorporated in domestic law)? Is the incorporation of the Covenant into domestic law envisaged so that it can be invoked directly in the courts (CCPR/C/SR.1457, para. 72)?

3. Does the State party consider that the measures proposed in paragraph 139 of the report are sufficient to give full effect to the views adopted by the Committee under the Optional Protocol? Further to the replies given in the discussion of the fourth periodic report (CCPR/C/SR.1457, para. 19), please provide information on progress made in giving effect to the Committee's views.

Right of peoples to self-determination (art. 1)

4. In the light of the Committee's discussion with the delegation of Sweden when it presented its fourth periodic report (CCPR/C/SR.1457, para. 18, and CCPR/C/SR.1456, para. 38), please provide detailed information on the implementation of article 1 of the Covenant in the State party.

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Principle of equality (art. 3)

5. (a) Please provide statistics on pay differentials between men and women (report, para. 25);

(b) Please provide statistics on domestic violence covering the last three years (report, para. 37);

(c) What was the outcome of the work of the Parliamentary Committee on the review of provisions relating to sexual offences (report, para. 42)?

(d) Paragraph 30 of the report announces the introduction by the Government of a bill containing proposals for strengthening the Act concerning Equality between Men and Women. Please provide information on the progress of this bill.

Right to life (art. 6)

6. What rules are applicable in Sweden regarding the practice of euthanasia and assisted suicide?

7. Have the Swedish authorities considered adopting legislation on research ethics (CCPR/C/95/Add.4, para. 45, and CCPR/C/SR.1457, para. 39)?

Liberty and security of person (art. 9) and treatment of prisoners and other detainees (art. 10)

8. Please assess the actual results of the implementation of the Compulsory Psychiatric Care Act, which entered into force on 1 January 1992 (CCPR/C/95/Add.4, para. 49, and CCPR/C/SR.1457, para. 39). Please inform the Committee of any amendments to this Act or to the Forensic Mental Care Act (report, para. 59). What practical steps are being taken to preserve the "dignity and privacy" of patients undergoing compulsory psychiatric treatment?

9. Have those responsible for the death of Osmo Vallo been brought to trial? Have the causes and circumstances of his death been clarified? Has any serious research been conducted on other cases of deaths in prison? Has any detailed study or report been published on how the authorities have handled such cases? Are there regulations governing the use of coercive techniques by members of the police?

10. Please clarify the meaning of paragraph 66 of the report concerning the conditions of detention of young persons and of women.

Rights of aliens (art. 13)

11. Paragraph 70 of the report states that the concept of "de facto refugee" in the Aliens Act has been replaced by that of "an alien otherwise in need of protection". What is the significance of this change and what is its scope?

12. In the light of paragraphs 69 and 71 and 72 of the report, please indicate to what extent the State party has responded to the concerns expressed by the Committee in paragraphs 15 and 16 of its most recent concluding observations (CCPR/C/79/Add.58).

(a) Have the procedures (including the time limit) for the detention of illegal immigrants, asylum-seekers and persons subject to expulsion orders remained unchanged since 1995?

(b) Please provide information about any decisions taken on expulsion or the refusal of immigration or asylum requests without the individuals concerned having been given an appropriate hearing;

(c) Paragraph 72 of the report concerning appeals against a decision to expel an alien indicates that a bill is in preparation on this question. Has this bill been adopted? If so, please specify the exact content of the new Act. Can an appeal be filed against a government decision on expulsion?

13. Please inform the Committee about the temporary residence permits granted by Sweden. What modifications may be made to the rules concerning such permits (report, para. 72)?

Protection of privacy (art. 17)

14. Please inform the Committee about the options open to the Swedish police for using secret surveillance techniques during their investigations, prior to any proceedings:

(a) Can the person placed under surveillance appeal against a decision concerning him?

(b) Please provide the Committee with specific indications on the number of cases in which such techniques have been used in each of the last three years. Are such techniques used frequently?

(c) Please provide information about the 1998 law on public camera surveillance and its enforcement.

Freedom of religion (art. 18)

15. Under the Constitution (2:12, sect. 2, para. 1), can the freedom of religion of non-Swedish citizens be restricted by special legislative provisions?

16. With reference to paragraph 87 of the fourth periodic report of Sweden and the question it raised during the discussion with the Committee (CCPR/C/SR.1457, para. 5), please indicate in what way the bond between the Church of Sweden and the State has changed since 1994. Has the Government taken steps to ensure the implementation of the new rules proposed in 1994 by the Church Assembly to modify the system whereby children automatically become members of the Church of Sweden at birth?

Freedom of opinion and expression (art. 19)

17. What steps has Sweden taken to counter the phenomenon of the concentration of ownership of the mass media (CCPR/C/SR.1457, paras. 11, 49 and 50)? Are specific measures in place to combat racism, racial discrimination, xenophobia and related intolerance when such ideas are disseminated through the media?

18. Why are the periods of limitation for hate-speech offences shorter than those for offences against ordinary statute law (report, para. 102)? Are there plans to introduce changes in this regard in the near future?

Principle of non-discrimination (art. 26)

19. Paragraph 7 of the report refers to chapter 16, section 8, of the Penal Code, which prohibits the public dissemination of any statement or communication of a racist nature. If this provision is breached, within what period of time can legal proceedings be taken? Where the date of dissemination cannot be accurately ascertained, are there cases in which it is impossible to bring proceedings against the organization or person responsible?

20. Paragraph 11 of the report discusses chapter 29, section 2, of the Penal Code, which refers to certain aggravating circumstances in the context of acts committed for racist or similar reasons. In how many cases has this provision been applied in the last three years?

21. Paragraph 15 of the report states that the Government has entrusted a Parliamentary Commission with studying crimes related to certain organizations. Please outline the Commission's findings and the measures under review in order to combat propaganda against national or ethnic groups more effectively and to prevent racist organizations from functioning.

22. According to paragraphs 16 and 17 of the report, a panel of experts has been set up to review the provisions of the Penal Code on unlawful discrimination. What suggestions has the panel made?

23. Paragraph 121 of the report mentions the new Act on Measures to Counteract Ethnic Discrimination in Working Life. Does the Act protect the many immigrants who have never had the opportunity to apply for a job? What is the unemployment rate among non-European legal immigrants in Sweden?

Protection of minorities (art. 17)

24. In the light of the concept of "minorities", as referred to in article 27 of the Covenant, and of the content of paragraphs 129 and 130 of the report, what problems have been encountered in the implementation of article 27 of the Covenant?

25. Please provide additional information concerning the rights of the Sami.

(a) In the light of paragraph 18 of the Committee's concluding observations and paragraph 136 of the report, please indicate what clarifications the Government has provided about the scope of Sami hunting and fishing rights;

(b) With reference to paragraph 124 of the fourth periodic report of Sweden, please assess the role which the Sami assembly (Sameting) has played to date as an elected body and government agency. What were the findings of the commission of inquiry on the review of the organization of the Sameting (report, para. 137)?

Dissemination of information relating to the Covenant (art. 2)

26. Please indicate what steps have been taken to disseminate information on the submission of the fifth periodic report and its consideration by the Committee and on the Committee's concluding observations after consideration of the fourth periodic report of Sweden.

27. Please provide information on arrangements made to raise the awareness of judges, public servants, police officers and other law-enforcement officials, legal advisers and teachers with regard to the Covenant and the Optional Protocol.